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PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/914.913 Filing Date TRANSMITTAL December 17, 2001 **FORM** First Named Inventor Beyer, et al. Art Unit 1638 **Examiner Name** Russell Kallis (to be used for all correspondence after initial filing) **Attorney Docket Number** 60085USPCT Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information **Provisional Application** After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer below): **Extension of Time Request Return Post Card** Request for Refund **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Syngenta Biotechnology, Inc Signature Printed name Michael E. Yates Date Reg. No. 36,063 March 9, 2005 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date March 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 4450, Alexandria, VA 22313-1450.



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March 9, 2005

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Beyer, et al.

Serial Number: 09/914,913

Filed: December 17, 2001

For: Method for Improving the Agronomics

and Nutritional Value of Plants

Art Unit: 1638

Examiner: Russell Kallis

Confirmation No.: 5922

Atty Docket: 60085 US/PCT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## **RESPONSE TO NOTICE OF NON-COMPLIANT AMENDENT 37 CFR 1.121**

Sir:

In response to the paper mailed on February 28, 2005, please enter the following amendments to the text of the canceled claims. Applicants believe there is no fee due in response to the notice. However, the Commissioner is authorized to charge any fees due under 37 C.F.R. § 1.17 that may be required, or credit any over payment, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.